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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,684	08/10/2001	Toru Ebata	Q65834	4309

7590 07/29/2003

SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

MARTINEZ, DAVID E

ART UNIT	PAPER NUMBER
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2182

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DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/925,684

Applicant(s)

EBATA, TORU

Examiner

David E Martinez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 8/10/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is a single sentence and the term "which comprises" on line 6, reads more like a claim.

Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,951,805 to Brusky.

In regards to claims 1, 5, and 9, Brusky teaches A data processing apparatus, method and recording medium, (fig 1, element 22) that is used by being connected via a bus device (fig 1, element 24, column 4, lines 22-30) to a central processing apparatus (fig 1, element 14, column 4, lines 22-30) that starts an ID process for identifying the data processing apparatus when the bus device is initialized, the apparatus comprising:

a connection-detection device for detecting whether or not said data processing apparatus is connected to said central processing apparatus via. said bus device (It is well known in the art, computer probing to check all connected devices during the boot up process);

a state-change detection device (figure 1, element 56, column 4, line 63 to column 5, line 11) for detecting whether or not the processing state of said data processing apparatus (fig 1, element 22) changes while said data processing

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apparatus is connected to said central processing apparatus (fig 1, element 14);  
and

a bus initialization device for initializing said bus device when change in said processing state is detected.

Brusky does not explicitly disclose bus initialization after the state-change detection device detects the processing state. However, Brusky does disclose data being processed after the state change detection. It would have been obvious to one of ordinary skill at the time the invention was made, that the bus had to be initialized to a predefined state for the data to be processed, column 5, lines 12-32).

In regards to claims 2, 6, and 10, Brusky discloses a data processing apparatus, method and recording medium, wherein;

change in the processing state is the mounting of a data recording medium in the data processing apparatus, said state-change detection device detects whether or not said recording medium is mounted in said data processing apparatus (column 4, line 63 to column 5, line 11),

and said bus initialization device initializes said bus device when said recording medium is mounted in said data processing apparatus (Brusky does not explicitly disclose bus initialization after the state-change detection device detects the processing state. However, Brusky does disclose data being processed after the state change detection. It would have been obvious to one of ordinary skill at the time the invention was made, that the bus had to be

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initialized to a predefined state in order for the data to be processed, column 5, lines 12-32).

In regards to claims 3, 7, and 11, Brusky teaches the data processing apparatus (fig 1, element 22), method and recording medium, wherein

said data processing that uses said recording medium performs at least any one of the processes of:

outputting data that are recorded on said recording medium to said central processing apparatus via said bus device (column 5, lines 12-32), and

recording data that are output from said central processing apparatus to said recording medium via said bus device (Brusky only disclosed the use of a CD-Rom drive which is read only. It is well known in the art the use of CD recorders. It would have been obvious to replace the CD-Rom drive with that of a CD-Recorder drive to provide cd recording capability for backing up data).

In regards to claims 4, 8, and 12, the data processing apparatus, wherein said bus device is a serial bus complies to the IEEE 1394 standard, and

said initialization is a bus reset according to the IEEE1394 standard.

It would have been obvious to use IEEE 1394 standard with the invention taught by Brusky, to take advantage of the well known standard and increase system compatibility.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 5,920,709 to Hartung et al. pertaining to a CD-Rom drive connected to a computer through a bus.

US Patent Application Publication No. 2003/0110333 A1 to FUCHIDA, HIDEHIKO pertaining to a CD-Rom drive connected to a computer through a bus.


US Patent Application Publication No. 2001/0043731 A1 to ITO et al. pertaining to peripheral devices connected to a computer using the IEEE 1394 standard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E Martinez whose telephone number is (703)305-4890. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703)308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

DEM  
July 23, 2003

  
JEFFREY GAFFIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100